

## Academy of Learning Surrey – Policy on Sexual Misconduct

### 1. Statement of purpose and intent of this policy

Academy of Learning Career College Surrey (AOLCC Surrey) is committed to the prevention of and appropriate response to any sexual misconduct.

### 2. Scope and Application

What is sexual misconduct?

According to the Sexual Violence and Misconduct Policy Act, sexual misconduct includes:

- Sexual Assault
- Sexual Exploitation
- Sexual Harassment
- Stalking
- Indecent Exposure
- Voyeurism
- The distribution of a sexually explicit photograph or video of a person to one or more people
- The attempt to commit an act of sexual misconduct
- The threat to commit an act of sexual misconduct

This policy addresses sexual misconduct involving students at AOLCC, as required by the Sexual Violence and Misconduct Policy Act.

This policy is applied to sexual misconduct between:

- Student and student
- Staff and student
- Visitors and student
- Any other person and student
- Staff and staff

Sexual misconduct under this policy is not limited to the AOLCC Surrey campus or the student residences offered by AOLCC Surrey but can include events, excursions or any out of class activities.

### 3. Definitions

a) Consent

An agreement to engage in a sexual activity. It must be fully voluntary, clearly communicated and ongoing. All sexual activities that are engaged in must be consented to: if there is consent given for a particular sexual activity, this consent does not automatically extend to other sexual activities. Consent can be withdrawn at any time, including during a sexual activity that had previously been consented to.

b) Sexual Assault

Sexual assault is defined as any form of sexual contact without both parties' voluntary consent. Sexual assault is not limited to non-consensual intercourse, it can also include non-consensual fondling, touching, or kissing.

Section 265 of the Criminal Code of Canada ("Criminal Code") outlines the offences of assault and sexual assault as follows:

A person commits an "assault" when:

- without the consent of another person, he applies force intentionally to that other person, directly or indirectly;
- he attempts or threatens, by an act or gesture, to apply force to another person, if he has, or causes that other person to believe on reasonable grounds that he has, present ability to affect his purpose; or
- while openly wearing or carrying a weapon or an imitation thereof, he accosts or impedes another person or begs.

c) Sexual Exploitation

Every person commits an offence who is in a position of trust or authority towards a young person, who is a person with whom the young person is in a relationship of dependency or who is in a relationship with a young person that is exploitative of the young person, and who

- for a sexual purpose, touches, directly or indirectly, with a part of the body or with an object, any part of the body of the young person; or

- for a sexual purpose, invites, counsels or incites a young person to touch, directly or indirectly, with a part of the body or with an object, the body of any person, including the body of the person who so invites, counsels or incites and the body of the young person.

d) Sexual harassment

Unwanted communications or actions that are sexual in nature and are offensive, intimidating or humiliating. It can include verbal, written or visual communication. Sexual harassment includes unwanted touching,

offensive jokes, sexual request, and verbal abuse. Sexual harassment is a type of sexual discrimination and falls under the Human Rights Law.

e) Stalking

Criminal harassment, more commonly known as stalking, can be defined as harassing behaviour including repeatedly following, communicating with or watching over one's dwelling home. This sort of behaviour is against the law. It is not a sign of love; it is about power and abuse.

f) Indecent exposure

The deliberate exposure in public or in view of the general public by a person of a portion or portions of his or her body, in circumstances where the exposure is contrary to local moral or other standards of appropriate behavior.

g) Voyeurism

The observation – including by mechanical or electronic means – or visual recording (including photographs and film recording) of a person who is in circumstance that gives rise to reasonable expectation of privacy.

h) The distribution of sexually explicit photograph or video of a person to one or more people other than the person in the photograph or video without the consent of the person in the photograph or video and with the intent to distress the person in the photograph or video.

#### 4. Responding to Complaints and Reports of Sexual Misconduct

- A **Complaint** of sexual misconduct is different than a **Report** of sexual misconduct. A person may choose to disclose or complain of sexual misconduct without making a formal report. A **Report** is a formal notification of an incident of sexual misconduct to someone at the institution accompanied by a request for action.
- The process for making a **Complaint** of sexual misconduct is as follows:
  - 1) The victim discloses sexual misconduct to a staff member of their choice (e.g. teacher, counselor).
  - 2) The AOLCC Surrey staff member will direct this complaint to a member (not involved with the complaint) of the Senior Management team.
  - 3) The member of the Senior Management team will acknowledge receipt of the complaint within 48 hours. The member of the Senior Management team will check if they wish to make a formal report.
  - 4) If they do not wish to make a formal report, the complaint will be recorded.
- The process for responding to a **Complaint** of sexual misconduct is as follows:
  - 1) Protective measures (e.g. moving the student to a different accommodation, change class, ensure there is no contact between the victim and the alleged perpetrator) will be taken.
  - 2) Confidential support and counselling will be made available from an AOLCC Staff member
  - 3) Referral to professional support and counselling may be given.

- The process for making a **Report** of sexual misconduct is as follows:
  - 1) The victim discloses sexual misconduct to a staff member of their choice (e.g. teacher, counselor).
  - 2) The AOLCC Surrey staff member will direct this complaint to a member (not involved with the complaint) of the Senior Management team.
  - 3) The member of the Senior Management team will acknowledge receipt of the complaint with 48 hours.
  - 4) If the victim chooses to make a **Report**, either a written or recorded statement will be taken by a member of the senior management team. Private translation can be provided if necessary.
  - 5) The member of the senior management team will provide a written response within 72 hours with confirmation of follow-up steps.
  - 6) The victim will be given assistance in contacting law enforcement and help in reporting the matter to authorities.
  - 7) Protective measures (e.g. moving the student to a different accommodation, change class, ensure there is no contact between the victim and the alleged perpetrator) will be taken.
  - 8) Guidance of law authorities will be followed by the institution and the institution will assist the victim with professional support and counselling.
  
- 5. It is contrary to this policy for an institution to retaliate, engage in reprisals or threaten to retaliate in relation to a Complaint or a Report.
  
- 6. Any processes undertaken pursuant to this policy will be based on the principles of administrative fairness. All parties involved will be treated with dignity and respect.
  
- 7. All information related to a Complaint or Report is **confidential** and will not be shared without the written consent of the parties, subject to the following exceptions:
  - If an individual is at imminent risk of severe or life-threatening self-harm.
  - If an individual is at imminent risk of harming another.
  - There are reasonable grounds to believe that others in the institutional community may be at significant risk of harm based on the information provided.
  - Where reporting is required by law.
  - Where it is necessary to ensure procedural fairness in an investigation or other response to a Complaint or Report.

This institution is certified by the Private Training Institutions Branch (PTIB). Certified institutions must comply with regulatory requirements, including the requirement to have a Sexual Misconduct policy. For more information about PTIB, go to [www.privatetraininginstitutions.gov.bc.ca](http://www.privatetraininginstitutions.gov.bc.ca).